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8 UNITED STATES DISTRICT COURT  
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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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13 NATIONAL LABOR RELATIONS BOARD

14 Applicant,

15 v.

16 MAURICE SMOTHERS

17 Respondent.  
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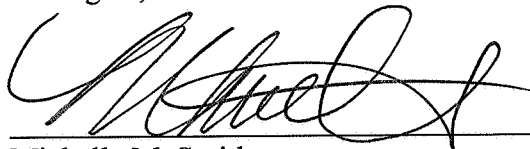
Case No.: CV-07-80171-MISC.  
Magistrate Judge Wayne D. Brazil

APPLICANT'S REPLY

19 Pursuant to Local Rules 7-3 (c), Applicant, the National Labor Relations Board, hereby  
20 files its Reply in the above-captioned case. Applicant applied for an order directing Maurice  
21 Smothers (herein called Respondent) to obey a subpoena *ad testificandum* on June 29, 2007. On  
22 that same date, the Court issued an Order to Show Cause directing that Respondent file an  
23 answer to the Application. This matter was originally set to be heard on August 1, 2007 but has  
24 been rescheduled to August 29, 2007 at 3 p.m.  
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1 Respondent has not filed an answer and by no other means has Respondent indicated an  
2 opposition to the Application. Rather, as reflected in the Stipulation to Continue Hearing filed on  
3 July 20, 2007, Respondent agreed to provide, and in fact did provide, a deposition on July 31,  
4 2007 in an effort to voluntarily comply with the outstanding subpoena ad testificandum.  
5 Applicant is presently waiting for Respondent to sign or attest to the accuracy of the transcript of  
6 his deposition, at which point Applicant will promptly file a Notice of Dismissal of its  
7 Application. Pending those developments, however, Applicant respectfully requests that the  
8 Court hear this matter as scheduled on August 29, 2007, at 3 p.m., and issue an Order to  
9 Respondent requiring that he obey the subpoena ad testificandum as requested in Applicant's  
10 June 29, 2007 Application.

11 DATED AT Oakland, California this 8<sup>th</sup> day of August, 2007.

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14 Michelle M. Smith  
15 Attorney for Applicant  
16 National Labor Relations Board  
17 Region 32  
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